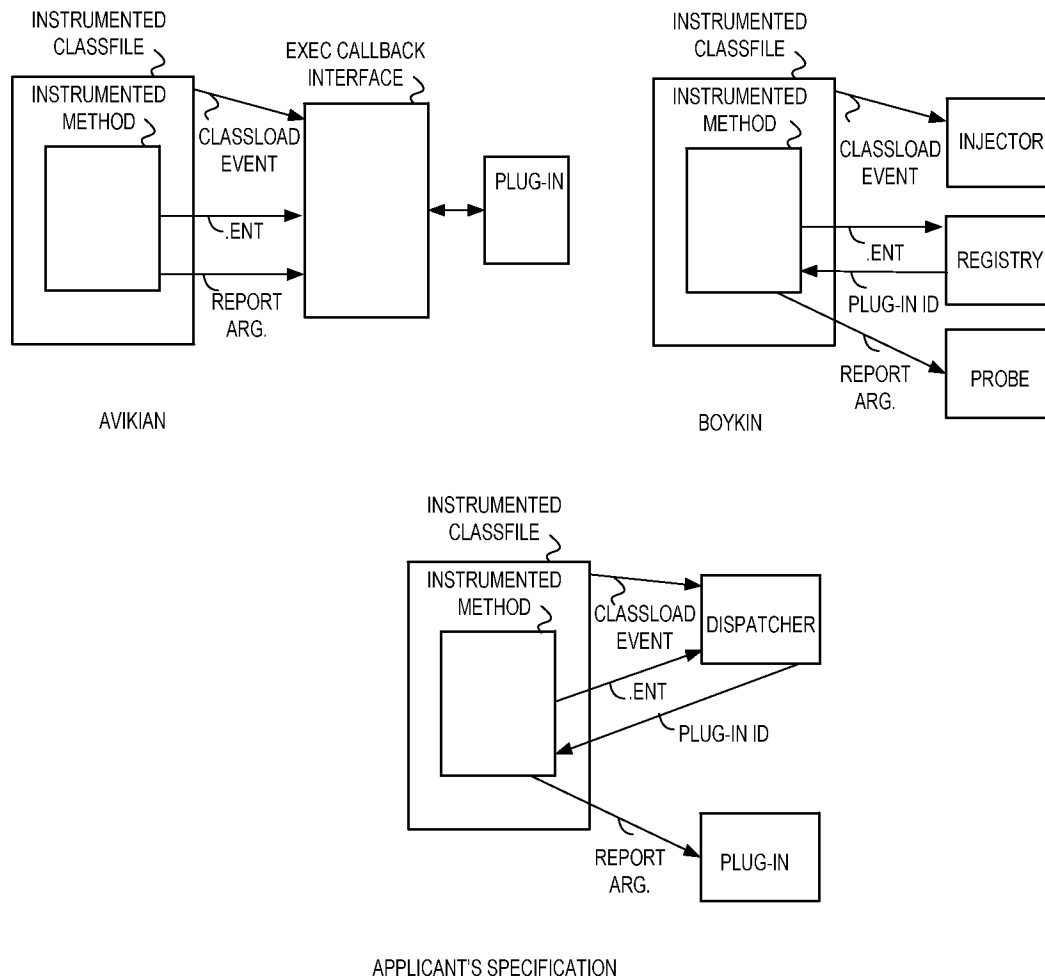


### **COMMENTS**

The enclosed is responsive to the Examiner's Office Action mailed on September 8, 2008 and is being filed pursuant to a Request for Continued Examination (RCE) under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 1-11, 13-28 and 30-34 were pending. By way of the present response the Applicant has: 1) amended claims 1 and 18; and, 2) not canceled or added any claims. As such claims 1-11, 13-28 and 30-34 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1-11, 13-28 and 30-34.

The Examiner has removed the longstanding rejection in view of the Avakian reference and has newly rejected the Applicant's independent claims in view of the Boykin reference. The Applicant again presents below the most straightforward presentation of the distinctions between the Applicant's approach and that of Avakian and Boykin.



Comparing the figure of Boykin above with that of the Applicant's approach, note that Boykin uses an "injector" that dynamically adds bytecode modifications in response to a classload event. Moreover, the injector of Boykin is a different component than the component of Boykin ("the registry") that provides the identity of a plug-in or probe to the modified classfile.

By contrast, in the Applicant's approach, the component that receives notification of the classload event ("the dispatcher") can be incapable of adding

bytecode to the classfile. Moreover, the dispatcher is the same component that provides the identity of a plug-in or probe to the modified classfile

Thus, in the interests of moving the present application towards allowance, the Applicant has amended independent claim 18 of the present application to recite that the dispatcher is incapable of injecting bytecode into the classfile.

### **Communications with Examiner on December 2**

Through communications between the Examiner and the Applicant on December 2, 2008, the Examiner offered the following constructive criticism as additional subject matter that may place the present application in better condition for allowance:

...wherein said dispatcher includes a dictionary being used to correlate the second and third methods to the identified plug-in modules during run-time, and a plug-in pattern which is a list, for each plug-in module, of every method belonging to said dispatcher, listed by class name and method name in character string format.

The Examiner indicated that although the above amendment may improve the likelihood of allowance it does not guarantee it – and explicitly stated that an RCE would be necessary to perform another search.

The Applicant has amended independent claim 18 to include subject matter that is strongly influenced by the Examiner's recommendation.

### **Cross Reference to Related Applications**

On February 25, 2005 the Applicants filed a cross reference to related applications and has herewith filed another cross reference that identifies another pending application. Although the Applicant believes that the claims of the present application are patentably distinct from the claims of the cross referenced applications, and, that the Examiner is aware of the pertinent references, the Examiner is nevertheless encouraged to review the cross referenced applications. A copy of the most recent action received in select cases has been included in an IDS submitted herewith.

### **CONCLUSION**

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: /1-08-08/

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/Robert B. O'Rourke/

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